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EXAMINER	
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ART UNIT	**PAPER NUMBER**
3694	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/613,319	HARRINGTON ET AL.	
	Examiner	Art Unit	
	Jamie H. Swartz	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *189-244* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *189-244* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status

1. Applicants have amended the claims in amendments dated July 9, 2007 and August 24, 2007. Claims 1-188 have been cancelled. Claims 189-244 have been added. Claims 189-244 are pending in the current application.

Specification

2. The amendment filed July 9, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claim 189 includes the details of "excluding non-qualified bids from the bidding competition." The examiner asserts this is new matter and the specification does not support the details of excluding non-qualified bids. Claim 201 includes details of "a bid improvement is made by submitting a lower bid." The examiner asserts this is new matter and the specification does not support the details of submitting a lower bid. Claim 202 includes details of "wherein bid improvements are made in minimum increments." The examiner asserts this is new matter and the specification does not support the details of bid improvements made in minimum increments. Claim 204 includes the details of "non-competitive" bids. The examiner asserts this is new matter and the specification does not support the details of a non-competitive bid. Claim 205 includes details of wherein

"bidders supply conditions to their bids." The examiner asserts this is new matter and the specification does not support the details of bidder-supplied conditions. Claim 211 includes details of bidders confirming their intentions. The examiner asserts this is new matter and the specification does not support the details of confirmation of intention on the part of the bidder. Claim 213 includes details of allowing a bidder to withdraw a bid. The examiner asserts this is new matter and the specification does not support the details of allowing a bidder to withdraw a bid. Claim 214 includes details of extending a bidding period after the bidding begins. The examiner asserts this is new matter and the specification does not support the details of extending the bidding period after the bidding begins. Claims 218 and 219 include the details of a "human agent." The examiner asserts this is new matter and the specification does not support the details of a human agent. Claim 226 includes the details of "a price and interest rate combination for said instrument." The examiner asserts this is new matter and the specification does not support the details of a price and interest rate combination. Claim 235 includes the details of "a guaranteed investment contract." The examiner asserts this is new matter and the specification does not support the details of a guaranteed investment contract. Claim 236 includes the details of "a zero-coupon bond." The examiner asserts this is new matter and the specification does not support the details of a zero-coupon bond. Claim 237 includes the details of "a repurchase or reverse repurchase agreement." The examiner asserts this is new matter and the specification does not support the details of a repurchase or reverse repurchase agreement. Claim 238 includes the details of "a time deposit." The examiner asserts this is new matter and the specification does not

support the details of a time deposit. Claim 239 includes the details of "a loan." The examiner asserts this is new matter and the specification does not support the details of a loan. Claim 240 includes the details of "a lease." The examiner asserts this is new matter and the specification does not support the details of a lease. Claim 241 includes the details of "a lien." The examiner asserts this is new matter and the specification does not support the details of a lien. Claim 243 includes the details of "hypertext transfer protocol." The examiner asserts that this is new matter not discussed in the specification. The specification does not support the details of Hypertext Transfer Protocol.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 189 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 189 includes the details of "excluding non-qualified bids from the bidding competition." The examiner asserts that the specification does not

include details of excluding non-qualified bids. Claim 201 includes details of "a bid improvement is made by submitting a lower bid." The examiner asserts that the specification does not include details of submitting a lower bid. Claim 202 includes details of "wherein bid improvements are made in minimum increments." The examiner asserts that the specification does not include details of bid improvements made in minimum increments. Claim 204 includes the details of "non-competitive" bids. The applicant asserts that the specification does not include details of a non-competitive bid. Claim 205 includes details of wherein "bidders supply conditions to their bids." The examiner asserts that the specification does not include details of bidder-supplied conditions. Claim 211 includes details of bidders confirming their intentions. The examiner asserts that the specification does not include any details of confirmation of intention on the part of the bidder. Claim 213 includes details of allowing a bidder to withdraw a bid. The examiner asserts this is new matter and the specification does not support the details of allowing a bidder to withdraw a bid. Claim 214 includes details of extending a bidding period after the bidding begins. The examiner asserts this is new matter and the specification does not support the details of extending the bidding period after the bidding begins. Claims 218 and 219 include the details of a "human agent." The examiner asserts this is new matter and the specification does not support the details of a human agent. Claim 226 includes the details of "a price and interest rate combination for said instrument." The examiner asserts this is new matter and the specification does not support the details of a price and interest rate combination. Claim 235 includes the details of "a guaranteed investment contract." The examiner asserts

this is new matter and the specification does not support the details of a guaranteed investment contract. Claim 236 includes the details of "a zero-coupon bond." The examiner asserts this is new matter and the specification does not support the details of a zero-coupon bond. Claim 237 includes the details of "a repurchase or reverse repurchase agreement." The examiner asserts this is new matter and the specification does not support the details of a repurchase or reverse repurchase agreement. Claim 238 includes the details of "a time deposit." The examiner asserts this is new matter and the specification does not support the details of a time deposit. Claim 239 includes the details of "a loan." The examiner asserts this is new matter and the specification does not support the details of a loan. Claim 240 includes the details of "a lease." The examiner asserts this is new matter and the specification does not support the details of a lease. Claim 241 includes the details of "a lien." The examiner asserts this is new matter and the specification does not support the details of a lien. Claim 243 includes the details of "hypertext transfer protocol." The examiner asserts that this is new matter not discussed in the specification. The specification does not support the details of Hypertext Transfer Protocol.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 189 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 189, the phrase "stipulating in advance certain conditions bidders must satisfy to submit competing bids" renders the claim(s) indefinite because it is unclear what stipulations exist to submit competing bids. Could a stipulation be having an account? For examination purposes the condition is having an account.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 189-196, 198, 206-208, 212, 215-217, 220-225, 227, 229, 234, 242-244 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (US 5905975 A) in view of Liederman (1996), and in further view of Zandi (US 5966699 A).

10. Regarding claim 189, Ausubel teaches a computer-mediated method of conducting an auction of an interest-bearing financial instrument over the Internet (col. 7, lines 18-36). Ausubel teaches wherein bidders are distributed in different physical locations and can simultaneously participate in the auction (col. 6, line 15 – col. 7, line

50, col. 12, line 39 – col. 13, line 6). Ausubel teaches each bidder having access to a computer (col. 6, line 15 – col. 7, line 50, col. 12, line 39 – col. 13, line 6). Ausubel teaches each bidder's computer communicating over the Internet (col. 7, lines 50 – 65). Ausubel teaches web browsers (col. 7, lines 50 – 65). HTTP and HTML are implicit in web browsers. Ausubel teaches stipulating in advance certain conditions bidders must satisfy to submit competing bids (col. 6, line 15 – col. 7, line 65). Ausubel teaches stipulating in advance certain parameters competing bids must satisfy (col. 6, lines 38-50). Ausubel teaches allowing bidders to modify their bids during the bidding period (col. 8, line 20 – col. 10, line 3). Ausubel teaches automatically comparing received bids to determine the best bid or bids (col. 31, line 20 – col. 32, line 8, col. 33, line 55 – col. 34, line 15). Ausubel teaches displaying at least the best bid or bids (col. 31, line 20 – col. 34, line 14). Ausubel teaches computers and the World Wide Web but does not specifically teach auction software. Though Ausubel does not specifically state that a software is used per se the invention uses databases and queries during the auction process. However Liederman teaches at least one computer having auction software (pg. 1-5). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the details of auction software. Having specific software on the computer allows for the computer to perform productive tasks for the user. A computer program can increase the efficiency and the effectiveness by speeding up and allowing

the action process to be more accurate. Ausubel and Liederman combined do not specifically teach excluding non-qualified bidders, non-qualified bids, or notifying the bidder of a failing bid. However, Zandi teaches excluding non-qualified bidders from the bidding competition (col. 2, line 15 – col. 11, line 15). Zandi teaches excluding non-qualified bids from the bidding competition (col. 2, line 15 – col. 11, line 15). Zandi teaches notifying bidders of their bids that fail to conform to pre-established bid parameters (col. 2, line 15 – col. 11, line 15). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel and Liederman to include the details of qualified bidders, their qualified bids, and informing a bidder if their bid does not conform to pre-determined parameters. It is important to have the bidders be pre-qualified before an auction, especially one of large ticket items. The entire operating cost of the auction is risked if the winning bidder is found to be incapable of paying. Making sure that the bidder is qualified allows the company who the auction is going through and the seller to be confident that the item will be paid for. It is also important to notify the bidder if their bid does not meet set parameters. This allows the bidder to modify their bid without losing out on the item for auction.

11. Regarding claim 190, Ausubel teaches including conducting multiple auctions simultaneously (col. 4, lines 1 – 67). Ausubel does not specifically state using the same auction software. Though Ausubel does not specifically state that a software is used per se the invention uses databases and queries during the auction process. However Liederman teaches at least one computer having auction software (pg. 1-5). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the details of auction software. Having specific software on the computer allows for the computer to perform productive tasks for the user. A computer program can increase the efficiency and the effectiveness by speeding up and allowing the action process to be more accurate.

12. Regarding claim 191, Ausubel teaches offering multiple instruments in the same auction (col. 4, lines 1 – 67, col. 13, lines 8-50, col. 14, line 27 – col. 15, line 35).

13. Regarding claim 192, Ausubel teaches wherein bidders may participate in a plurality of auctions simultaneously (col. 14, line 27 – col. 15, line 35).

14. Regarding claim 193, Ausubel teaches wherein bidders may bid more than one instrument in the same auction (at least col. 14, line 27 – col. 15, line 35).

15. Regarding claim 194, Ausubel teaches wherein bidders may bid more than one instrument in multiple auctions conducted simultaneously (at least col. 14, line 27 – col. 15, line 35).

16. Regarding claim 195, Ausubel teaches wherein bidders may bid portions of a single instrument ((col. 4, lines 1 – 67, col. 13, lines 8-50, col. 14, line 27 – col. 15, line 35).

17. Regarding claim 196, Ausubel teaches wherein bidders register before submitting bids (col. 4, lines 1 – 67, col. 6, line 15 – col. col. 13, lines 8-50, col. 14, line 27 – col. 15, line 35). It is implicit to have an individual be registered in order to have an identification.

18. Regarding claim 198, Ausubel teaches wherein bidders are provided online access to offering documents (col. 7, lines 50 – 65).

19. Regarding claim 206, Ausubel teaches wherein a bidder enters and modifies a bid without submitting it (col. 10, lines 3-19, col. 33, lines 15 – 25).

20. Regarding claim 207, Ausubel teaches wherein a bidder confirms or acknowledges a bid after submission (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 – 64).

21. Regarding claim 208, wherein a bidder may view at least the best bid during the bidding period and improve it (col. 72, line 15 – col. 28, line 40).

22. Regarding claim 212, Ausubel teaches a means for bidders to perform calculations using their bid related inputs (col. 7, line 10 – col. 9, line 44).

23. Regarding claim 215, Ausubel teaches wherein information related to at least one bid submission such as time of submission is saved in a data log (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 –64).

24. Regarding claim 216, Ausubel teaches an observation page from which to observe submitted bids (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 –64).

25. Regarding claim 217, Ausubel teaches means to release bidding results (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 –64).

26. Regarding claim 220, Ausubel teaches wherein confirmation of winning bids may be delivered electronically (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 –64).

27. Regarding claim 221, Ausubel teaches wherein confirmation of winning bids may be delivered automatically (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 –64, col. 12, lines 31-38, col. 36, line 50 – col. 38, line 20).

28. Regarding claim 222, Ausubel teaches the settlement may be effected electronically (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 –64, col. 12, lines 31-38, col. 36, line 50 – col. 38, line 20).

29. Regarding claim 223, Ausubel teaches the settlement may be effected automatically (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 –64, col. 12, lines 31-38, col. 36, line 50 – col. 38, line 20).

30. Regarding claim 224, Ausubel teaches wherein said bidder inputs a price for said instrument (col. 1 line 60 – col. 5, line 40, col. 6, lines 15 –64, col. 12, lines 31-38, col. 36, line 50 – col. 38, line 20).

31. Regarding claim 225, Ausubel teaches wherein said bidder inputs an interest rate for said instrument (col. 13, lines 5-50).

32. Regarding claim 227, Ausubel teaches wherein said bidder inputs a principal amount for said instrument (col. 21, line 10- col. 25, line 20, col. 29, lin3 60 –col. 30, line 55, col. 34, line 58 – col. 35, line 67).

33. Regarding claim 229, Ausubel teaches a computer-method of conducting auctions, where bidders are in different locations having access to a computer, over the World Wide Web. Ausubel does not specifically discuss JAVA. However, Liederman teaches wherein software such as, but not limited to, Java applet code or plug-ins that implement certain auction related functions is delivered to bidders computers (pg. 1-5). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the details of JAVA. Java is a simple, object-oriented, distributed, interpreted, robust, secure, architecture-neutral, portable, multithreaded, dynamic, buzzword-compliant, general-purpose programming language. JAVA can increase the efficiency and the effectiveness by speeding up and allowing the action process to be more accurate. JAVA also makes the transactions more secure.

34. Regarding claim 234, Ausubel teaches wherein said financial instrument is a security (col. 7, lines 18-36, col. 13, lines 5 – 50).

35. Regarding claim 242, Ausubel teaches a computer-mediated method of conducting an auction of an interest-bearing financial instrument over the Internet (col. 7, lines 18-36). Ausubel teaches wherein bidders are distributed in different physical locations and can simultaneously participate in the auction (col. 6, line 15 – col. 7, line 50, col. 12, line 39 – col. 13, line 6). Ausubel teaches each bidder having access to a computer (col. 6, line 15 – col. 7, line 50, col. 12, line 39 – col. 13, line 6). Ausubel teaches each bidder's computer communicating over the Internet (col. 7, lines 50 – 65). Ausubel teaches disclosing in advance certain conditions bidders must satisfy to submit competing bids (col. 6, line 15 – col. 7, line 65). Ausubel teaches disclosing in advance certain parameters competing bids must satisfy (col. 6, lines 38-50). Ausubel teaches allowing bidders to modify their bids during the bidding period (col. 8, line 20 – col. 10, line 3). Ausubel teaches automatically comparing received bids to determine the best bid or bids (col. 31, line 20 – col. 32, line 8, col. 33, line 55 – col. 34, line 15). Ausubel teaches disclosing the best bid or bids (col. 31, line 20 – col. 34, line 14). Ausubel teaches computers and the World Wide Web but does not specifically teach auction software. Though Ausubel does not specifically state that a software is used per se the invention uses databases and queries during the auction process. However Liederman teaches at least one computer having auction software (pg. 1-5). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the

details of auction software. Having specific software on the computer allows for the computer to perform productive tasks for the user. A computer program can increase the efficiency and the effectiveness by speeding up and allowing the action process to be more accurate. Ausubel and Liederman combined do not specifically teach excluding non-qualified bidders, non-qualified bids, or notifying the bidder of a failing bid. However, Zandi teaches excluding non-qualified bidders from the bidding competition (col. 2, line 15 – col. 11, line 15). Zandi teaches excluding non-qualified bids from the bidding competition (col. 2, line 15 – col. 11, line 15). Zandi teaches notifying bidders of their bids that fail to conform to pre-established bid parameters (col. 2, line 15 – col. 11, line 15). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel and Liederman to include the details of qualified bidders, their qualified bids, and informing a bidder if their bid does not conform to pre-determined parameters. It is important to have the bidders be pre-qualified before an auction, especially one of large ticket items. The entire operating cost of the auction is risked if the winning bidder is found to be incapable of paying. Making sure that the bidder is qualified allows the company who the auction is going through and the seller to be confident that the item will be paid for. It is also important to

notify the bidder if their bid does not meet set parameters. This allows the bidder to modify their bid without losing out on the item for auction.

36. Regarding claim 243, Ausubel teaches web browsers (col. 7, lines 50 – 65). HTTP and HTML are implicit in web browsers. Hypertext Transfer Protocol was old and well known at the time of the invention to be an established standard for websites.

37. Regarding claim 244, Ausubel teaches wherein said network comprises the Internet (col. 7, lines 50 – 65).

38. Claims 197, 209-210 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (US 5905975 A) in view of Liederman (1996), and in further view of Zandi (US 5966699 A) in further view of Brett et al. (US 6023685 A).

39. Regarding claim 197, Ausubel teaches an auction conducted over the World Wide Web. Liederman teaches computer auction software. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. The combination of Ausubel, Liederman, and Zandi do not specifically teach log in with an identification and password. However, Brett teaches wherein bidders log in with an identification and password (col. 5, line 45 - col. 8, line 17). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman

teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. Brett teaches a system that uses communication lines connecting participants from various locations, via the World Wide Web, to a central computer which conducts a real-time auction. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the details of an identification and password to verify and confirm their identity. It also prevents later denials of bidding. Non-repudiation exists when passwords and identifications are required. It also allows another level of security.

40. Regarding claim 209, Ausubel teaches an auction conducted over the World Wide Web. Liederman teaches computer auction software. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. The combination of Ausubel, Liederman, and Zandi do not specifically teach wherein rank order of bids is displayed. However, Brett teaches wherein rank order of bids is displayed (col. 3, line 45 - col. 8, line 17). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. Brett teaches a system that uses communication lines connecting participants from various locations, via the World Wide Web, to a central computer which conducts a

real-time auction. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the details of wherein rank order of bids. Ranking is the process of positioning items such as individuals, groups or businesses on an ordinal scale in relation to others. Ranking the bids allows the bidder to see where they are and to modify their bid accordingly. It shows the bidder what they would need to bid or do to win the auction. It allows for greater competition.

41. Regarding claim 210, Ausubel teaches an auction conducted over the World Wide Web. Liederman teaches computer auction software. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. The combination of Ausubel, Liederman, and Zandi do not specifically teach wherein status of a bidder's bid relative to other bids is displayed during the bidding period. However, Brett teaches wherein status of a bidder's bid relative to other bids is displayed during the bidding period (col. 3, line 45 - col. 8, line 17). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. Brett teaches a system that uses communication lines connecting participants from various locations, via the World Wide Web, to a central computer which conducts a real-time auction. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the details of wherein status of a

bidder's bid relative to other bids is displayed during the bidding period. Showing the status is the process of positioning items such as individuals, groups or businesses on an ordinal scale in relation to others. Showing the status allows the bidder to see where they are and to modify their bid accordingly. It shows the bidder what they would need to bid or do to win the auction. It allows for greater competition.

42. Claims 199-200 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (US 5905975 A) in view of Liederman (1996), and in further view of Zandi (US 5966699 A) in further view of Broka et al. (US 5809483 A).

43. Regarding claim 199, Ausubel teaches an auction conducted over the World Wide Web. Liederman teaches computer auction software. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. The combination of Ausubel, Liederman, and Zandi do not specifically teach wherein the official auction time is displayed. However, Broka teaches wherein the official auction time is displayed (col. 19, line 50 - col. 21, line 40). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. Brett teaches a system that uses communication lines connecting participants from various locations, via the World Wide Web, to a central computer which conducts a

real-time auction. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the details of wherein the official auction time is displayed. Displaying the official time allows the bidder to know how much time is available for them to bid. Some bidders prefer to wait until the last minute, thus they will know the approximate value of what they are bidding on at that time. Premature bidding can cause a dramatic rise or lowering of the bids. Bidders can strategize and use the auction clock to their advantage.

44. Regarding claim 200, Ausubel teaches an auction conducted over the World Wide Web. Liederman teaches computer auction software. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. The combination of Ausubel, Liederman, and Zandi do not specifically teach wherein the time remaining in the bidding period is displayed. However, Broka teaches wherein the time remaining in the bidding period is displayed (col. 19, line 50 - col. 21, line 40). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. Brett teaches a system that uses communication lines connecting participants from various locations, via the World Wide Web, to a central computer which conducts a real-time auction. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to

include the details of wherein the time remaining in the bidding period is displayed. Displaying the official time allows the bidder to know how much time is available for them to bid. Some bidders prefer to wait until the last minute, thus they will know the approximate value of what they are bidding on at that time. Premature bidding can cause a dramatic rise or lowering of the bids. Bidders can strategize and use the auction clock to their advantage.

45. Claim 203 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (US 5905975 A) in view of Liederman (1996), and in further view of Zandi (US 5966699 A) in further view of Fisher et al. (US 5835896 A).

46. Regarding claim 203, Ausubel teaches an auction conducted over the World Wide Web. Liederman teaches computer auction software. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. The combination of Ausubel, Liederman, and Zandi do not specifically teach the lowest bid is the best bid. However, Fisher teaches wherein the lowest bid is the best bid (col. 5, line 45 - col. 8, line 17). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. Fisher teaches conducting an interactive auction over an electronic network. It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to include the details of the lowest bid being the best bid. Since Ausubel does not teach that the highest bid always wins it would be obvious to include the details of the lowest bid being the winning bid. The often occurs in the case of reverse auctions. The primary objective is to drive purchase prices downward. Reverse auctions can lower the cost of procuring products and services, making them the e-business application of choice for companies faced with declining sales and margins.

47. Claim 228 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (US 5905975 A) in view of Liederman (1996), and in further view of Zandi (US 5966699 A) in further view of Lawrence (US 5915209 A).

48. Regarding claim 228, Ausubel teaches an auction conducted over the World Wide Web. Liederman teaches computer auction software. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the World Wide Web. The combination of Ausubel, Liederman, and Zandi do not specifically teach the inputted by the bidder maturity date. However, Lawrence teaches wherein said bidder inputs a maturity date for said instrument (col. 10, line 50, col. 15, line 47). Ausubel discloses implementing an auction, such as a flexible dynamic auction, through the use of a plurality of computer-based systems over the World Wide Web. Liederman teaches using auction software over the World Wide Web. Zandi teaches invention relates to conducting an electronic loan auction over a computer network, such as the

World Wide Web. Lawrence teaches a bond trading system having the capability to conduct a private electronic auction of bid wanteds between a central market-maker and multiple remote clients who are prospective bidders. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ausubel to teach a maturity date. A maturity date that is far away when dealing with loans will allow the customer smaller individual payments. A maturity date that is far away for a CD might pay a larger amount in interest yet penalizes early withdrawal. Maturity date is a finance term referring to the date when a principal amount of a note, draft, acceptance bond, or other debt instrument becomes due or payable. It is also a termination or due date on which an installment loan must be paid in full. The maturity date is important because it allows the bidder to conform to whatever time pressures they may have and also allows for a greater convenience.

49. Claims 230-233 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (US 5905975 A) in view of Liederman (1996), and in further view of Zandi (US 5966699 A) in further view of Official Notice.

50. Regarding claim 230, Ausubel teaches create and modify auction parameters (col. 10, lines 25 – 35, col. 23, line 12 – col. 27, line 15). Both Ausubel and Liederman include details of websites. Ausubel and Liederman combined don't include the specific details of one or more menu-driven web pages. However Official Notice is taken that it

was old and well known at the time of the invention to have a website where the navigation is menu-driven.

51. Regarding claim 231, Ausubel teaches access to certain web pages (col. 10, lines 25 – 35, col. 23, line 12 – col. 27, line 15). Both Ausubel and Liederman include details of websites. Ausubel and Liederman combined don't include the specific details of one or more menu-driven web pages. However Official Notice is taken that it was old and well known at the time of the invention to have a website where the navigation is menu-driven.

52. Regarding claim 232, Ausubel teaches authorize bidder participation (col. 6, line 15 – col. 10, line 35, col. 23, line 12 – col. 27, line 15). Both Ausubel and Liederman include details of websites. Ausubel and Liederman combined don't include the specific details of one or more menu-driven web pages. However Official Notice is taken that it was old and well known at the time of the invention to have a website where the navigation is menu-driven.

53. Regarding claim 233, Ausubel teaches bid limitations for one or more bidders (col. 2, lines 30-50, col. 10, line 57 – col. 11, line 15). Both Ausubel and Liederman include details of websites. Ausubel and Liederman combined don't include the specific details of one or more menu-driven web pages. However Official Notice is taken that it

was old and well known at the time of the invention to have a website where the navigation is menu-driven.

54. Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie H. Swartz whose telephone number is (571) 272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamie Swartz
October 22, 2007

ELLA COLBERT
PRIMARY EXAMINER

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/7/03, 10/7/03, 8/5/04, 8/6/04.